

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 05 Cr. 471 (LMM)
 :
 - against - : MEMORANDUM AND ORDER
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 AGYEI TABI, :
 :
 Defendant. :
 :
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McKENNA, D.J.,

1.

The government is requested to address in writing, to be filed not later than October 2, 2006, those arguments set forth in defendant's Memorandum of Law in Further Support of Defendant's Motion to Dismiss the Indictment that have not been addressed in the government's response to defendant's initial brief.

2.

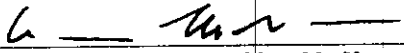
The Court will hold an evidentiary hearing on defendant's motion for suppression of statements made on March 30, 2005, focusing on the issue whether defendant voluntarily and knowingly waived his right to remain silent, specifically in view of the statements claimed by defendant in his affidavit to have been made to him by Postal Inspectors. (The evidentiary hearing will not concern the authority of the Postal Inspection Service to prosecute this case or the authority of Postal Inspectors to arrest defendant.)

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The hearing will be held on October 3, 2006, at 2:00 P.M., if counsel and witnesses are available. If not, counsel should contact Mr. Zaepfel at 212-805-0111.

SO ORDERED.

Dated: September 4, 2006



Lawrence M. McKenna
U.S.D.J.